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In re Application of :
ORGEN, Per :
Application No.: 10/519,130 : DECISION
PCT No.: PCT/EP03/05842 :
Int. Filing Date: 04 June 2003 : ON PETITION UNDER
Priority Date: 06 June 2002 :
Docket No.: 9342-6 : 37 CFR 1.181
For: GRAPHICAL INTERFACE FOR :
EXPANDABLE MENUS :
:

This decision is in response to applicant's renewed petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 15 January 2008.

BACKGROUND

On 16 November 2007, the Office mailed Decision On Petition Under 37 CFR 1.181, dismissing applicant's petition without prejudice.

On 15 January 2008, applicants filed this renewed petition, accompanied by a new declaration of the inventor.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) were previously satisfied. Practitioner states that the Notification of Missing Requirement was not received and indicates that a search of the file did not locate the notification. The docket clerk states that a search of the docket records indicates that the Notification of Missing Requirements was not received.

Item (3) has now been satisfied.

The 15 January 2008 declaration of the inventor complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 24 August 2007 is
VACATED.

This application is being returned to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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